

## **Assembly Bill No. 898**

### **CHAPTER 161**

An act to amend Section 3042 of the Penal Code, relating to parole.

[Approved by Governor August 22, 2016. Filed with  
Secretary of State August 22, 2016.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 898, Gonzalez. Parole suitability: notice.

Existing law requires the Board of Parole Hearings to provide written notice at least 30 days before it meets to review or consider the parole suitability of any inmate sentenced to a life sentence to the judge of the superior court before whom the inmate was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, and the law enforcement agency that investigated the case. If the inmate was convicted of the murder of a peace officer, existing law also requires notice to be provided to the law enforcement agency that employed the peace officer.

This bill would, in the case of an inmate who was convicted of the murder of a firefighter, require the board or the Department of Corrections and Rehabilitation to provide notice of the parole suitability hearing to the fire department that employed the firefighter, if that fire department registers with the board to receive that notification and provides the appropriate contact information.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3042 of the Penal Code, as amended by Section 6 of Chapter 470 of the Statutes of 2015, is amended to read:

3042. (a) (1) At least 30 days before the Board of Parole Hearings meets to review or consider the parole suitability of any inmate sentenced to a life sentence, the board shall send written notice thereof to each of the following persons: the judge of the superior court before whom the inmate was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, the law enforcement agency that investigated the case, and if the inmate was convicted of the murder of a peace officer, the law enforcement agency that employed the peace officer at the time of the murder.

(2) If the inmate was convicted of the murder of a firefighter, the board or the Department of Corrections and Rehabilitation shall also send the written notice described in paragraph (1) to the fire department that employed the firefighter at the time of the murder, if that fire department registers

with the board to receive that notification and provides the appropriate contact information.

(b) The Board of Parole Hearings shall record all of those hearings and transcribe recordings of those hearings within 30 days of any hearing. Those transcripts, including the transcripts of all prior hearings, shall be filed and maintained in the office of the Board of Parole Hearings and shall be made available to the public no later than 30 days from the date of the hearing. An inmate shall not be released on parole until 60 days from the date of the hearing have elapsed.

(c) At any hearing, the presiding hearing officer shall state his or her findings and supporting reasons on the record.

(d) Any statements, recommendations, or other materials considered shall be incorporated into the transcript of the hearing, unless the material is confidential in order to preserve institutional security and the security of others who might be endangered by disclosure.

(e) (1) The written notice to the judge of the superior court before whom the inmate was tried and convicted shall be sent by United States mail.

(2) The judge receiving this written notice may forward to the board any unprivileged information from the trial or sentencing proceeding regarding the inmate, witnesses, or victims, or other relevant persons, or any other information, that is pertinent to the question of whether the board should grant parole or under what conditions parole should be granted. The judge may also, in his or her discretion, include information given to him or her by victims, witnesses, or other persons that bear on the question of the inmate's suitability for parole.

(3) The board shall review and consider all information received from the judge or any other person and shall consider adjusting the conditions of parole to reflect the comments or concerns raised by this information, as appropriate.

(f) This section does not limit the type or content of information the judge or any other person may forward to the board for consideration under any other law.

(g) Any person who receives notice under subdivision (a) who is authorized to forward information for consideration in a parole suitability hearing for a person sentenced to a life sentence under this section, may forward that information either by facsimile or electronic mail. The Department of Corrections and Rehabilitation shall establish procedures for receiving the information by facsimile or electronic mail pursuant to this subdivision.